

## REMARKS

This amendment is filed in response to the Notice of Non-Compliant Amendment dated July 14, 2006. A complete listing of all the claims is presented herein.

Reconsideration of the present application is respectfully requested.

Claims 1-24 are pending in the application.

Although the Detailed Action is silent as to the status of Claims 15 and 22, Applicants glean by the Examiner's indication on the form PTOL-326, that Claims 15 and 22 are objected to, but would be allowable if rewritten to overcome the claim objections and to include the limitations of the base claim and any intervening claims.

The Examiner has objected to Claims 15 and 22 because of informalities. For clarification to the Examiner, Applicants state that the operation of dropping packet data in the base station is performed when the base station fails to receive a detection ACK signal from a mobile station, until a number of transmissions of a data rate request message reaches a prescribed number. Applicants have amended Claims 15 and 22 to include punctuation in the respective "dropping" limitations, as well as --in case of-- language to better recite the chronology of events in these claims. Accordingly, it is believed that the Examiner's objection to Claims 15 and 22 has been obviated. Withdrawal of the same is respectfully requested.

The Examiner has objected to the Drawings, particularly with respect to Claims 1, 7, 13 and 18, for allegedly failing to show every feature of the invention specified in the claims. In response, Applicants respectfully traverse, and assert that the drawings indeed show the features of the present invention specified in the claims. As stated in the Patent Rules, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawings in the form of a graphical drawing symbol or a labeled representation. Regarding Claims 1, 7, 13 and 18,

Applicants respectfully assert that a detailed illustration is not needed for a proper understanding of the conventional features (e.g., base station, mobile station, controller and transmitter) of the present claims. Indeed, the very essence of the present claims, i.e. the transmission of a data rate control channel, is graphically illustrated, in detail, in the drawings. This properly conforms to the Patent Rules. Accordingly, Applicants respectfully request withdrawal of the Examiner's objection to the Drawings.

The Examiner has rejected Claims 1-7, 9-13, 16-18, 20 and 23-24 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,638,412 to *Blakeney, II et al.* (hereinafter *Blakeney*). In response, Applicants respectfully traverse. Independent Claims 1, 7, 13 and 18 claim requesting transmission of a data rate from a base station (BS) in a state where there is *no data communication* between the BS and a mobile station (MS). In contrast, and contrary to the Examiner's allegation, *Blakeney* performs rate and service negotiation during the time when data transfer is actually occurring. Specifically, in *Blakeney*, service negotiation between an MS and a BS which communicate in data frames, takes place "...when a traffic channel connection is first originated." (see *Blakeney*, col.2, lns. 4-12). Moreover, the focus of *Blakeney* is, "...to provide a method and apparatus for performing the service negotiation process *with minimum data transfer* over common channels." (*Blakeney*, col.2, lns. 29-31). This focus runs counter to the present claims, in which the transmission request occurs when there is *no data communication* between the BS and an MS. As such, *Blakeney* does not anticipate independent Claims 1, 7, 13 and 18.

Regarding the Examiner's rejection of Claims 7 and 18, in addition to the above arguments, *Blakeney* fails to disclose a gating signal generator which gates on/off a reverse signal after completion of packet data communication, and generates a gating signal for resuming transmission of a data rate from the BS when there is no data communication between the BS and MS, as called for in Claims 7 and 18. In addition, the Examiner alleges on pgs. 6-7 of the Office Action that *Blakeney* discloses a microprocessor, "...that generates an external signaling line to be used for initiating and maintaining a link in a communication system." The Examiner then concludes that, "Therefore, this signal is used for gating on/off reverse signal transmitted to a base station after completion of packet data communication." The Examiner fails to state how

the microprocessor generates the external signaling line *after* completion of packet data communication. In fact, *Blakeney* does not disclose that the alleged microprocessor cited by the Examiner at col.11 of *Blakeney*, performs this limitation of Claims 7 and 18. Thus, it is respectfully asserted that the Examiner's conclusion, as well as the §102(b) rejection, is flawed. Accordingly, withdrawal of the Examiner's §102(b) rejection of Claims 1-7, 9-13, 16-18, 20 and 23-24 is respectfully requested.

The Examiner has rejected Claims 8 and 19 under 35 U.S.C. 103(a) as being unpatentable over *Blakeney* in view of U.S. Pat. No. 6,804,530 to *Chheda et al.* The Examiner has also rejected Claims 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over *Blakeney* in view of U.S. Pat. Pub. No. 2003/0142656 A1 to *Padovani et al.* Applicants respectfully assert that these rejections are obviated by the arguments above with respect to the §102(b) rejection, and are therefore moot. Accordingly, withdrawal of the Examiner's 103(a) rejection of Claims 8 and 19 is respectfully requested.

In supplement to the above arguments, Applicants respectfully assert that *Blakeney* teaches a method for negotiating a service configuration of network equipments comprising data rates, frame formats and types of services in a mobile communication system. On the contrary, the present claims are directed to a method for controlling reverse transmission in order to efficiently decrease power consumption of a mobile station by suspending, by the mobile station, the reverse transmission in a state where there is *no data communication* between the mobile station and a base station, and performing the reverse transmission only when data transmission is needed. Accordingly, Applicants respectfully submit that the present claims are distinguished over *Blakeney*.

Independent Claims 1, 7, 13 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-6, 8-12, 14, 16-17, 19-21 and 23-24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-6, 8-12, 14, 16-17, 19-21 and 23-24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-24, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Harrell", written over the typed name.

Paul J. Harrell

Reg. No. 33,494

Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/RCC/dr